

**STATE OF INDIANA – COUNTY OF CRAWFORD
IN THE CIRCUIT COURT**

**Notice of Proposed Local Court Rule
May 19, 2011**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Crawford Circuit Court hereby gives notice to the bar and the public that the Court proposes to adopt a new local rule concerning special judge appointment in civil cases at **LR13-TR79-1** for the Crawford Circuit Court, **effective July 1, 2011**. Supreme Court approval is required for local rules concerning Trial Rule 79 and may not take effect until so approved.

The time period for the bar and the public to comment begins on May 19, 2011, and closes on June 20, 2011. Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. Kenneth L. Lopp, Judge of the Crawford Circuit Court, Attn: Public Comment on Local Rules, P.O Box 216, English, Indiana 47118-0216, or by email to: cccourt7@aol.com.

A paper copy of the proposed local rule will be made available for viewing in the office of the Clerk of Crawford County, 715 Judicial Plaza Drive, English, Indiana 47118, during normal business hours. Persons with Internet access may view the proposed local rule for Appointment of Special Judges at the following websites:

<http://www.courts.IN.gov/rules/local/crawford>

_____/S/_____
Kenneth L. Lopp
Judge, Crawford Circuit Court

LR13-TR79-1
APPOINTMENT OF SPECIAL JUDGES

- A. Selection of Administrative Judge.** On or before October 1st of each year, (or as soon thereafter as possible) the Judge of the Circuit Court of Crawford County shall meet in person or electronically with the presiding judges of Administrative District 24 for the purpose of selecting a judge who is designated as the Administrative Judge. The Administrative Judge shall serve for a period of twelve (12) months, ending December 31 or until a replacement is selected after December 31.
- B. Section H Appointments.** In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure or Indiana Rules of Criminal Procedure, the judge before the case is pending shall send notice of the need of the appointment of a Special Judge to the District's Administrative Judge who shall then make such assignment within five (5) days of receiving said notice.
- C. Method of Assignment.** The District's Administrative Judge shall select special judges from a roster of the available Judges in the Administrative District. The assignments shall be in a sequential order beginning with the name of the Judge following the last Judge so assigned. A Judge who disqualifies is expected to take the next needed assigned case from the Administrative Judge. This will, in effect, require a Judge to take the same number of Special Judge cases as he/she disqualifies in. If a Judge is otherwise disqualified to hear a particular case, that Judge shall be deemed to be the next in sequence until assigned a case. The assignment Judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.
- D. Roster of Available Judges.** The roster of available judges in Administrative District 24 shall be maintained by Court designation in the following sequential order and shall include Senior Judges as available:
- | | | | |
|-----|--------------------|-----|--|
| (1) | Harrison Circuit | (2) | Harrison Superior |
| (3) | Orange Circuit | (4) | Orange Superior |
| (5) | Washington Circuit | (6) | Washington Superior |
| (7) | Crawford Circuit | (8) | Senior Judges approved for
the requesting Court |

Appointment Order. Upon selecting a Special Judge, the assignment Judge shall prepare an Order of Appointment and forward said Order to the Judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the Special Judge and the attorneys of record.

- E. Acceptance of Jurisdiction.** The Order of Appointment, when entered by the Judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed Special Judge unless the Judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.
- F. Form of Order.** The Order of Appointment shall be in the following form:

IN THE _____ COURT FOR _____ COUNTY
STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Honorable _____ of the _____ Court of _____ County is hereby appointed to serve as special judge in the above-captioned case.

SO ORDERED THIS _____ DAY OF _____, _____.

Judge, _____ Court

Assigned this _____ day of _____, _____.

Administrative District #24
Administrative Judge

- or
- G. Implementation of Rule.** In the event a selected Judge does not accept an appointment to serve as a Special Judge under the provisions of section (D), (E) (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the Judge before whom the case is pending shall notify the Administrative Judge of the need for an appointment of a Special Judge under this local rule.
- H. Certification to Supreme Court.** If, under the provisions of this rule, no Judge is eligible to serve as a Special Judge in a case, the Administrative Judge shall notify the Judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a Special Judge. If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a Special Judge by the Indiana Supreme Court, such Judge shall certify such facts to the Indiana Supreme Court for the appointment of a Special Judge. Under such circumstances this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a Special Judge.